

REMARKS

Claims 1-32 are pending in the application before entry of this amendment. By way of this amendment, Claim 1 has been amended per the Office's objection to formatting and Claims 2-7, 9, 27 and 33-34 are canceled. No new matter has been added.

Section 103(a) Rejections Overcome

Claims 1-32 have been rejected under 35 U.S.C. 103(a) as obvious over Gibilisco (USP 4,653,668).

Where a reference discloses less than all of the claimed elements, an examiner may only rely on 35 U.S.C. §103(a). In an obviousness inquiry, the prior art is compared to the invention *as claimed*. Gibilisco does not disclose the elements of Claim 1, nor is the subject matter of Claim 1 suggested to one of ordinary skill by Gibilisco.

Applicant respectfully traverses each and every aspect of this rejection. In regard to the Examiner's rejections to Claims 1-32, Applicant's claimed invention relates to a hand-held dispenser for *dispensing a multiplicity of unit products* having a storage area for storing the unit products, an outlet opening through which the unit products are dispensable from the dispenser, a dispensing mechanism adapted to *dispense a predetermined number of said unit products* through the outlet opening per actuation thereof, and the dispenser being adapted such that the dispensing mechanism is actuatable by pushing the dispenser into a palm of a user, and the associated *predetermined number of unit products is dispensed* into that palm (emphasis added). This is in clear contrast to Gibilisco, whose "... container for storing and dispensing small object, such as capsules or pill containing medicament, *one at a time...*" (emphasis added see column 2, lines 47-49) while Applicant's device is a hand-held dispenser for dispensing a multiplicity of unit products. Applicant's dispenser can dispense a predetermined number of said unit products while Gibilisco is a one at

a time dispenser. In operation, Gibilisco states “The inner end of the receptacle is pressed into or twisted in the user’s hand which moves the gate opening means against the resiliently mounted gate members thus opening the delivery tube and delivering a single small object to the user” (see column 2, lines 60-64). This is in further contrast to Applicant’s device. There is no suggestion, motivation or teaching in Gibilisco to use Gibilisco’s device to dispense a multiplicity of unit products, and it would be impossible to make Gibilisco device do so as stated in Claims 1, 12-14 and 28-31.

Applicant’s dispenser uses a closure, on the dispensing end, which when engaged the actuator is unable to actuate the dispensing mechanism. This is in contrast to Gibilisco where “The exit end of the device may also be fitted with a closure device such as a conventional screw cap, snap or child resistant closure” (see column 5, lines 54-56). Further, as Gibilisco’s device is a container for storing and dispensing small objects, Gibilisco does not suggest, teach or motivate Applicant’s dispenser wherein the closure and dispensing end have co-operable retaining features as Gibilisco’s device is a single unit.

Applicant’s dispenser’s use of a gate mechanism activated by pushing the inner nozzle inward which, on actuation of the dispensing mechanism, moves from a closed configuration, in which it closes the outlet opening, to an open configuration, in which it allows the predetermined number of unit products to be dispensed from the outlet opening. Gibilisco’s device is activated and to deliver the object “movement slides the outer cylinder towards the storage container moving the rigidly mounted gate opening members against the gate members providing a biasing force pivoting the gate members to an unblocking position and allowing escape of a single small object” (see column 9, lines 59-65). Gibilisco’s use of a gate means, which is matched to the shape of the single object to be dispensed, precludes the ability to dispense a predetermined number of unit products per actuation.

As Gibilisco fails to teach each limitation of Claim 1, it cannot render Claim 1 obvious. Nor can it, as a matter of law, render any claim obvious that is directly or indirectly dependent on Claim 1, i.e. Claims 8, 10-26 and 32. . In light of this Gibilisco does not anticipate the present invention, we feel Applicant's invention as defined in the claims is believed to be novel and inventive.

Conclusion

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, particularly including any fees required under 37 CFR Sect 1.16 or 1.17, and any necessary extension of time fees, to deposit Account No. 07-1392.

Applicants respectfully submit that the instant application is in condition for allowance, which action is respectfully requested. The Examiner is invited to contact the undersigned at (919) 483-9995, to discuss this case, if desired.

Respectfully submitted,

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